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Attorneys for Plaintiffs
 Oracle USA, Inc., et al.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

ORACLE USA, INC., *et al.*,

Plaintiffs,

v.

SAP AG, *et al.*,

Defendants.

Case No. 07-CV-01658 PJH (EDL)

PLAINTIFFS' WITNESS LIST

Date: September 30, 2010
 Time: 9:00 am
 Place: 3rd Floor, Courtroom 3
 Judge: Hon. Phyllis J. Hamilton

Plaintiffs Oracle USA, Inc., Oracle International Corporation, Oracle EMEA Limited, and Siebel Systems (collectively “Oracle”) respectfully submit this Witness List identifying witnesses to be called either live or by deposition at trial, pursuant to the Court’s Pretrial Instructions, the Stipulated Revised Case Management Order (“Case Management Order”) filed June 11, 2009 (Docket # 325) and Federal Rule of Civil Procedure 26(a). Pursuant to the Court’s Pretrial Instructions, this list identifies all witnesses to be called at trial, in person or by deposition, other than solely for impeachment or rebuttal purposes. Oracle reserves the right to call additional witnesses for purposes of impeachment or rebuttal at trial. Oracle also reserves the right to call any witness, either live or by deposition, identified on the witness lists of Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc. (collectively “SAP”).

Oracle’s descriptions below intend to encompass all of Oracle’s affirmative deposition designations, also filed today pursuant to the Case Management Order. Oracle reserves the right to narrow or amend this Witness List to account for court rulings or further proceedings.

Contact information for each witness has been exchanged during the course of discovery. All Oracle affiliated witnesses must continue to be contacted through Oracle’s counsel of record.

Witness	Affiliation	Brief Description of Substance of Testimony
Ackermann, Norm	Oracle	PeopleSoft products, development and support; Derivative works
Adler, Todd	Oracle	Copyright registrations; Copyright ownership/authorship
Allison, Richard	Oracle	Oracle license agreements; Oracle licensing practices, pricing and contracts; Oracle Websites and Terms of Use
Angioletti, Thomas	Oracle	Copyrights
Baker, Dawn	Oracle	Copyright ownership/authorship; JD Edwards products, development and support
Barradas, Carlos	Oracle	Oracle licensing practices, pricing and contracts
Brook, Paul	Oracle	Downloading investigation; Oracle support services

Witness	Affiliation	Brief Description of Substance of Testimony
Catz, Safra	Oracle	ERP software market and competition; PeopleSoft acquisition; Siebel acquisition; Oracle customer relationships; Oracle financial information; Hypothetical license expectations; Oracle support organization metrics and reports
Chilikapati, Sid	Oracle	Downloading investigation; Damage/harm to Oracle data/systems; PeopleSoft products, development and support
Cummins, Richard	Oracle	Impact of SAP's acquisition of TN on Oracle; Oracle support organization metrics and reports
Ellison, Lawrence	Oracle	History and development of Oracle; Oracle business structure and management; Oracle product development information; Oracle software support; Oracle maintenance revenue; PeopleSoft acquisition; Siebel acquisition; Impact of SAP's acquisition of TN on Oracle; Harm to Oracle; ERP software competition/market; Hypothetical license expectations; Oracle financial results
Fallon, Mark	Oracle	Oracle Database Software products and development
Fowler, Linda	Oracle	PeopleSoft products, development and support; Derivative works
Furey, Marina	Oracle	Downloading investigation; Siebel products, development and support
Guner, Ivgen	Oracle	Oracle financial results and reports
Ishiguro, Tanya	Oracle	PeopleSoft products, development and support; Derivative works
Kees, Jason	Oracle	Downloading investigation; Damage/harm to Oracle data/systems
Kishore, Ann	Oracle	Oracle corporate structure; Licensing; Inter-entity payments
Koehler, Uwe	Oracle	Downloading investigation; Damage/harm to Oracle data/systems
O'Shea, Julie	Oracle	Downloading investigation; Damage/harm to Oracle data/systems; Oracle support services; Customer Connection websites; Oracle Websites and Terms of Use; JD Edwards products, development and support

Witness	Affiliation	Brief Description of Substance of Testimony
Mickelsen, Brady	Oracle	Oracle corporate structure; Copyright ownership; Computer systems ownership; Oracle acquisition of Sun Microsystems
Phillips, Charles	Oracle	Oracle business structure and management; PeopleSoft acquisition; Siebel acquisition; Impact of SAP's acquisition of TN on Oracle; Harm to Oracle; Oracle financial information; Oracle customer relationships; Oracle sales and marketing; Oracle maintenance revenue; Hypothetical license expectations
Ransom, Buffy	Oracle	Customer Connection website; Downloading investigation; Damage/harm to Oracle's data/systems; JD Edwards products, development and support; JD Edwards copyrights; Oracle licensing practices and contracts; Copyright ownership/authorship
Rice, Jason	Oracle	Downloading investigation; Damage/harm to Oracle data/systems; Oracle support services; Customer Connection websites
Rottler, Juergen	Oracle	Oracle support services and materials; Software support industry; Third-party support providers; Oracle maintenance revenue; PeopleSoft acquisition; Siebel acquisition; Impact of SAP's acquisition of TN on Oracle; Oracle customer relationships; Oracle sales and marketing; Oracle support organization metrics and reports
Screven, Edward	Oracle	Oracle product development; PeopleSoft, JD Edwards, and Siebel product lines; Oracle Database Software products; Copyrights; Oracle business structure and management; Derivative works; Harm to Oracle; Oracle financial information; Oracle customer relationships; Oracle sales and marketing; Oracle copyrighted software and support materials
Story, Greg	Oracle	Downloading investigation; Damage/harm to Oracle data/systems; JD Edwards products, development and support
Vardell, Daniel	Oracle	Siebel copyrights; Siebel products, development and support
Veum, Marlene	Oracle	Downloading investigation; Damage/harm to Oracle data/systems

Witness	Affiliation	Brief Description of Substance of Testimony
Agassi, Shai	SAP	SAP's acquisition of TN; TN business case and projections; SAP's knowledge, oversight and direction of SAP TN's activities; Benefits of TN acquisition; Safe Passage and SAP TN marketing; SAP TN geographical and product expansions; ERP software competition/market; SAP corporate history and structure
Apotheker, Leo	SAP	SAP's acquisition of TN; TN business case and projections; SAP's knowledge, oversight and direction of SAP TN's activities; Benefits of SAP TN acquisition; Safe Passage and SAP TN marketing; SAP TN geographical and product expansions; SAP and SAP TN post-litigation activities
Brandt, Werner	SAP	SAP's acquisition of TN; TN business case and projections; SAP's knowledge, oversight and direction of SAP TN's activities; Benefits of TN acquisition; Safe Passage and SAP TN marketing; SAP and SAP TN post-litigation activities
Breuer, Martin	SAP	SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities; Benefits of SAP TN acquisition; Safe Passage and SAP TN marketing; SAP TN geographical and product expansions; SAP and SAP TN post-litigation activities
Crean, Tim	SAP	SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities
Faye, Christopher	SAP	SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities; SAP and SAP TN post-litigation activities
Graf, Peter	SAP	SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities; Benefits of TN acquisition; Safe Passage and SAP TN marketing
Hurst, Terry	SAP	Safe Passage program; Benefits of TN acquisition; SAP's knowledge, oversight and direction of SAP TN's activities
Kagermann, Henning	SAP	SAP's acquisition of TN; TN business case and projections; SAP's knowledge, oversight and direction of SAP TN's activities; Benefits of TN acquisition; Safe Passage and SAP TN marketing; SAP TN geographical and product expansions; SAP/TN post-litigation activities; ERP software

Witness	Affiliation	Brief Description of Substance of Testimony
		market; SAP TN downloading from Oracle websites
Mackey, James	SAP	SAP's acquisition of TN
Oswald, Gerhard	SAP	SAP's acquisition of TN; TN business case and projections SAP's knowledge, oversight and direction of SAP TN's activities; Benefits of TN acquisition; Safe Passage and SAP TN marketing; SAP/TN post-litigation activities; SAP TN geographical and product expansions
Plattner, Hasso	SAP	SAP corporate history and structure; SAP's acquisition of TN
Schmidt, Josef	SAP	SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities
Scholten, Jochen	SAP	Oracle Database Software and SAP TN licenses; Oracle/SAP Reseller Agreement
Schraeder, Georg	SAP	Oracle Database Software and SAP TN licenses; Oracle/SAP Reseller Agreement
Shenkman, Arlen	SAP	SAP's acquisition of TN
Trainor, Scott	SAP	SAP's acquisition of TN; Safe Passage and SAP TN marketing; SAP TN/Customer communications; SAP TN customer contracts and licensing
Tseng, Stephen	SAP	SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities
Welz, Bernd	SAP	SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities; SAP TN geographical and product expansions
White, Mark	SAP	SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities; Benefits of TN acquisition; Safe Passage and SAP TN marketing; SAP/TN post-litigation activities; Oracle Database Software and SAP TN licenses
Word, Jeff	SAP	SAP's acquisition of TN; Safe Passage and SAP TN marketing
Zepecki, John	SAP	SAP's acquisition of TN; TN business case and projections
Ziemen, Thomas	SAP	SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities; Benefits of TN acquisition; Safe Passage and SAP TN marketing; SAP and SAP TN post-litigation

Witness	Affiliation	Brief Description of Substance of Testimony
		activities
Arakib, Hadi	TomorrowNow	SAP TN business model and support services; TN copying, modification, public display, distribution and use of Oracle software and support materials
Baugh, John	TomorrowNow	SAP TN downloading from Oracle websites; TN copying, public display, modification, distribution and use of Oracle software; SAP TN business model and support services; SAP TN post-litigation activities; Oracle Database Software and SAP TN licenses; SAP TN spoliation and document destruction
Bowden, Matthew	TomorrowNow	SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials
Buerhle, Jeff	TomorrowNow/ Summit Technologies	SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials; SAP TN post-litigation activities
Geib, Bob	TomorrowNow	SAP TN business model and support services; SAP TN/ Customer communications; TN sales practices and results; Safe Passage and SAP TN marketing; SAP's knowledge, oversight and direction of SAP TN's activities
Deling, Mark	TomorrowNow	SAP TN business model and support services; SAP TN downloading from Oracle websites; development and testing of SAP TN automated download tools
Garafola, Michael	TomorrowNow	SAP TN business model and support services; SAP TN downloading from Oracle websites; SAP TN copying, modification, distribution and use of Oracle software and support materials
Garcia, Larry	TomorrowNow	SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials

Witness	Affiliation	Brief Description of Substance of Testimony
Garcia, Melissa	TomorrowNow	SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials; ; SAP TN downloading from Oracle websites; development and testing of TN automated download tools
Harris, Desmond	TomorrowNow	SAP TN business model and support services; SAP TN downloading from Oracle websites
Hyde, Catherine	TomorrowNow	SAP TN downloading from Oracle websites; SAP TN copying, modification, distribution and use of Oracle software and support materials; SAP TN business model and support services; SAP TN history and corporate structure; SAP TN post-litigation activities
Jin, Jerry	TomorrowNow	SAP TN business model and support services; SAP TN downloading from Oracle websites; SAP TN copying, modification, distribution and use of Oracle software and support materials
Jones, Wanda	TomorrowNow	SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials
Kreutz, Mark	TomorrowNow	SAP TN downloading from Oracle websites; SAP TN copying, modification, distribution and use of Oracle software and support materials; SAP TN business model and support services; SAP TN post-litigation activities; SAP TN spoliation and document destruction; SAP TN/Customer communications; SAP's knowledge, oversight and direction of SAP TN's activities
Lanford, Peggy	TomorrowNow	SAP TN downloading from Oracle websites; SAP TN copying, modification, distribution and use of Oracle software and support materials; SAP TN business model and support services
Lester, Beth	TomorrowNow	SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials
Lester, George	TomorrowNow	SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials; Oracle Database Software and SAP TN licenses; development and testing of SAP TN automated download tools; SAP's knowledge, oversight and direction of SAP TN's activities

Witness	Affiliation	Brief Description of Substance of Testimony
Loftus, Lesley	TomorrowNow	Safe Passage and SAP TN marketing; TN customer communications; SAP's knowledge, oversight and direction of SAP TN's activities; SAP TN business model and support services
Martinez, Kimberly	TomorrowNow	SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials
Nelson, Andrew	TomorrowNow	SAP TN history and corporate structure; SAP TN business model and support services; Third party support market; SAP TN copying, modification, distribution and use of Oracle software and support materials; Oracle Database Software and SAP TN licenses; SAP TN/Customer communications; SAP TN sales practices and results; SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities; Safe Passage and SAP TN marketing; SAP TN geographical and product expansions; SAP and SAP TN post-litigation activities
Nelson, Gregory	TomorrowNow	TN history and corporate structure; SAP TN business model and support services; SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities; SAP TN downloading from Oracle websites; Development and testing of SAP TN automated download tools; SAP TN spoliation and document destruction; SAP and SAP TN post-litigation activities; Oracle Database Software and SAP TN licenses
Nelson, Shelley	TomorrowNow	SAP TN history and corporate structure; SAP TN downloading from Oracle websites; SAP TN copying, modification, distribution, public display and use of Oracle software and support materials; SAP TN business model and support services; SAP TN post-litigation activities; Oracle Database Software and SAP TN licenses; SAP TN/Customer communications; SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities

Witness	Affiliation	Brief Description of Substance of Testimony
O'Neil, Owen	TomorrowNow	SAP TN downloading from Oracle websites; SAP TN copying, modification, distribution and use of Oracle software and support materials; SAP TN business model and support services; SAP TN post-litigation activities; SAP TN geographical and product expansions; SAP's knowledge, oversight and direction of SAP TN's activities
Osterloh, Eric	TomorrowNow	SAP TN business model; SAP's acquisition of TN; Safe Passage and SAP TN marketing; SAP TN/Customer communications; SAP TN customer contracts and licensing; SAP TN sales practices and results; SAP's knowledge, oversight and direction of SAP TN's activities
Phillips, Spencer	TomorrowNow	SAP TN business model; Safe Passage and SAP TN marketing; SAP TN/Customer communications; SAP TN customer contracts and licensing; SAP TN sales practices and results; SAP's knowledge, oversight and direction of SAP TN's activities
Piper, Sharon	TomorrowNow	SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials
Ritchie, John	TomorrowNow	SAP TN business model and support services; SAP TN downloading from Oracle websites; development and testing of SAP TN automated download tools; SAP TN spoliation and document destruction
Russell, Roderic	TomorrowNow	SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials; SAP TN spoliation and document destruction; SAP TN post-litigation activities
Shankle, Keith	TomorrowNow	SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials; SAP TN downloading from Oracle websites
Surette, Peter	TomorrowNow	SAP TN downloading from Oracle websites; SAP TN copying, modification, distribution and use of Oracle software and support materials; SAP TN business model and support services; SAP TN history and corporate structure; SAP TN post-litigation activities; SAP TN spoliation and document destruction

Witness	Affiliation	Brief Description of Substance of Testimony
Tanner, John	TomorrowNow	SAP TN business model and support services; SAP TN downloading from Oracle websites; SAP TN copying, modification, distribution and use of Oracle software and support materials
Testone, Josh	TomorrowNow	SAP TN history and corporate structure; SAP TN business model and support services; SAP TN downloading from Oracle websites; SAP TN copying, modification, distribution and use of Oracle software and support materials; development and testing of SAP TN automated download tools; SAP TN post-litigation activities
Thomas, William	TomorrowNow	SAP TN servers and network structure; SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials; Oracle Database Software and SAP TN licenses; SAP's knowledge, oversight and direction of SAP TN's activities
VonFeldt, Patti	TomorrowNow	SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials; SAP TN downloading from Oracle websites
Walden, Wade	TomorrowNow	SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials; SAP TN downloading from Oracle websites
Williams, Kathy	TomorrowNow	SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials; SAP TN post-litigation activities; SAP's knowledge, oversight and direction of SAP TN's activities
Ravin, Seth	TomorrowNow/ Rimini Street	SAP TN history and corporate structure; SAP TN business model and support services; SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities; Safe Passage and SAP TN marketing; SAP TN geographical and product expansions; SAP TN/Customer communications; SAP TN sales practices and results; Rimini Street history and corporate structure; Rimini Street business model
Hallenberger, Tracy	Baker Botts LLP	Baker Botts software licenses and software support services

Witness	Affiliation	Brief Description of Substance of Testimony
O'Donnell, Jeffrey	Lexmark	Lexmark software licenses and software support services
Wasson, Robert	McLennan County	McLennan County software licenses and software support services
Singh, Bruno	NBC Universal	NBC Universal software licenses and software support services
Kreul, John	Pepsi Americas, Inc.	Pepsi software licenses and software support services
Anderson, Mark	Travel Centers of America	Travel Centers software licenses and software support services
Cooley, Paul	Waste Management	Waste Management software licenses and software support services
Levy, Daniel	Expert	Statistical analyses supporting Mr. Mandia's analysis
Lichtman, Douglas	Expert	Economic and public policy rationale for fair market value license of copyrighted materials, and as appropriate damages measure
Mandia, Kevin	Expert	Copying, modification, distribution and use of Oracle software and support materials. Nature and effect of access to Oracle websites
Meyer, Paul	Expert	Damages
Pinto, Paul	Expert	Avoided development costs, delays and risks
Oracle Custodian(s) of Records	Oracle	Authentication and admission of documents, as needed
Oracle Business Records Declarant(s)	Oracle	Authentication and admission of documents, as needed
Ernie Liu	Mandiant Corporation	SAP TN's business records related to support

DATED: August 5, 2010

Bingham McCutchen LLP

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